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SUBJECT: NEW HONDURAN LEGISLATION SEEKS TO CURB ARMS

TRAFFICKING AND VIOLENCE

¶11. (U) SUMMARY: On July 2, the Honduran National Congress added Article 332 to the Honduran Penal Code. This article calls for the collection of assault weapons and stricter punishment for trafficking and possession of outlawed weapons. Article 332 comes at a time when Ministry of Public Security reports show that possession of assault weapons and their use in violent crime has been increasing steadily over the past several years in Honduras. END SUMMARY

Origins and Trends

¶12. (U) On July 2, the Honduran National Congress added Article 332 to the Honduran Penal Code. This article calls for the collection of assault weapons and stricter punishment for trafficking and possession of outlawed weapons. As reported by the Honduran press, approximately 82 percent of all deaths in Honduras are caused by firearms (of which 90 percent are from AK-47s). Even more alarming are reports that 80 percent of these victims are minors.

¶13. (U) The availability of AK-47s and other automatic assault weapons in Honduras stems largely from the Contra period of the 1980s. While estimates vary, it is believed that between 400,000 and 500,000 arms illegally circulate in Honduras, of which 200,000 are AK-47s. In addition to the lack of effective laws and regulations surrounding the trafficking and possession of arms, it is very easy and inexpensive to acquire them. Press reports state that an AK-47 can be purchased at the El Salvadoran and Nicaraguan borders for as little as USD 20. Furthermore, a recent trend has shown an increase in drugs-for-arms exchanges occurring among traffickers.

Article 332

¶14. (U) The newly passed Article 332 of the Honduran Penal Code makes the possession of the following arms illegal: AK-47s, Falks (FAL and FAP), UZI sub-military machine guns, M16s, M60s, Galils, G3s, Beretas, M21s, and any other fabricated arms. The collection and destruction of these items is slated to begin with a 90 day arms-for-money exchange program. Those persons turning over weapons will receive approximately USD 68 per item and will not face any criminal charges. Another aspect of Article 332 calls for harsher punishment for those possessing and/or trafficking illegal weapons. Such actions will carry a six-to-nine year prison sentence and possible fines of between USD 580 and USD 1,162. (COMMENT: It is hoped that this new legislation will give a boost to earlier attempts by the National Arms Registry (RNA) to register personal small firearms. Under current law, each Honduran citizen is allowed up to five weapons, a large amount for a country facing such high rates of violence. END COMMENT)

¶15. (U) President of Congress, Pepe Lobo, has called for all members of Congress to set an example by turning over their own personal weapons. (COMMENT: Currently, many political figures and prominent businessman hire private security personnel, the majority of which use AK-47s. It is likely that certain private security companies and individuals will be given waivers from the new law. END COMMENT)

A Step In the Right Direction

¶16. (SBU) COMMENT: Congressional passage of Article 332 is a positive step towards reducing the trafficking and possession of automatic assault weapons such as the AK 47. It remains to be seen, however, whether the government of Honduras has the political fortitude, and makes available the necessary resources, to fully enforce this new legislation. According to government statistics, the number of homicides increased in 2002 despite the military's augmentation of the police force, and the homicide closure rate in Honduras remains at only one to two percent. Moreover, in recent months the

local media has given extensive coverage to stories involving assault weapon related violence. Violent crime is a high profile public issue. If this legislation proves effective in reducing homicides and arms trafficking, President Maduro's Administration will have won a significant legislative success at a time when public confidence in the Administration's ability to deliver on campaign promises of increased public security is faltering. END COMMENT
Palmer